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July 26, 2019

*Via FOIAonline submission*

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

**Re: Freedom of Information Act request for EPA Records of Communications and/or Meeting Records Between GenOn Energy, Inc. and EPA**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I am writing on behalf of the Environmental Integrity Project to request the following records held by the U.S. Environmental Protection Agency (EPA):

**Records Requested**

- Any and all communications between Ronald (“Ron”) Jordan at EPA and Stephen (“Steve”) Frank at GenOn Energy ([Stephen.Frank@GenOn.com](mailto:Stephen.Frank@GenOn.com); 724-249-3610) from **July 27, 2018 to the present** regarding the Effluent Limitation Guidelines for the steam electric power generating point source category under 40 C.F.R. Part 423 (“Steam Electric ELG Rule”).
- Any and all records relating to any and all **May 2018 meetings** held and/or attended by EPA and GenOn Energy, Inc., NRG Energy, Inc., GenOn Chalk Point, LLC, NRG Chalk Point, LLC, and/or GenOn Mid-Atlantic, LLC in which the Steam Electric ELG Rule was discussed or otherwise referenced.

**Definitions of Key Terms**

For the purposes of this request, the term “communications” means any correspondence (handwritten, typed, or electronic), including, but not limited to, emails, letters, memoranda, other documents, and/or notes of phone calls or other dialogue in which Mr. Jordan and/or Mr. Frank either received, sent, or were otherwise copied on.

For the purposes of this request, the term “meeting” applies to any in-person meeting, phone meeting, and/or any web/video conference.

For the purposes of this request, “records” of any and all May 2018 meetings includes:

- Any written testimony, exhibits, notes, transcripts, or other materials either presented to EPA by GenOn Energy, Inc., NRG Energy, Inc., GenOn Chalk Point, LLC, NRG Chalk Point, LLC, and/or GenOn Mid-Atlantic, LLC, or presented by EPA to GenOn Energy, Inc., NRG Energy, Inc., GenOn Chalk Point, LLC, NRG Chalk Point, LLC, and/or GenOn Mid-Atlantic, LLC during the meeting, shared in advance before the meeting, or provided to/from EPA as follow-up to the meeting.
- Any meeting minutes or summaries written by or shared with EPA staff.

### **Claims of Exemption from Disclosure**

If you regard any documents as exempt from required disclosure under FOIA, please exercise your discretion to disclose them nevertheless, keeping in mind that FOIA “is the most prominent expression of a profound national commitment to ensuring an open Government” and that “[a]ll agencies should adopt a presumption in favor of disclosure.” President Barack Obama, Memorandum for the Heads of Executive Departments and Agencies: Freedom of Information Act, 74 Fed. Reg. 4, 863 (Jan. 26, 2009).

In the alternative, after careful review for the purpose of determining whether any of the information is exempt from disclosure, please provide all reasonably non-exempt portions of records and communications as required by FOIA.

Should you elect to invoke an exemption, please provide the required full or partial denial letter and sufficient information to determine whether or not there may be grounds to appeal EPA’s decision. In accordance with the minimum requirements and regulations of due process, this information should include:

- Basic factual material, including the originator, date, length, and addresses of the withheld items.
- Explanations and justifications for denial, including the identification of the exemption applicable to the withheld information or portions of the information found to be subject to exemption, and how each exemption applies to the withheld material.

### **Waiving Request for Fee Waiver**

Please see the fee waiver letter attached to this letter.

## **Opportunity to Provide Clarification**

If I can provide any additional information or answer any questions that can help to clarify or limit this request, please do not hesitate to contact me at (202) 888-2701 or via email at [slam@environmentalintegrity.org](mailto:slam@environmentalintegrity.org).

Thank you for your assistance with this FOIA request, and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to be 'SL' or 'Sylvia Lam'.

Sylvia Lam  
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Washington, DC 20005  
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